IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

WRIT PETITION No. 24714 of 2003

Between:

K.S. Rao, S/o. Veeraiah, aged about 35 years, R/o. H. No. 5-180, Upendra Quarters, L.D. Pally, Kothagudem, Khammam District.

..... PETITIONER

AND

1.The Regional Manager, APSRTC, Khammam Region, Khammam, Khammam District.
2.The Deputy Chief Traffic Manager, APSRTC, Khammam, Khammam District.
3.The Depot Manager, APSRTC, Bhadrachalam Depot, Bhadrachalam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No. 02/95(53)/2000-BCM, dated 22-5-2000 as illegal, arbitrary and unjust and consequently to set aside the proceedings No. 02/95(53)/2000-BCM, dated 22-5-2000 issued by the 3rd respondent.

Counsel for the Petitioner :Mr.G.RAVI MOHAN

Counsel for the Respondents : Smt.G.JYOTHI KIRAN,

Standing Counsel for APSRTC.

The Court made the following :

ORAL ORDER:

Heard both the counsel.

The petitioner questions the order dated 22-5-2000 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in **S.K. Mastan v. Managing Director, APSRTC** held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year which shall not have the effect of postponing the future increments. No costs.

28th July 2004.

ARS

To

1.The Regional Manager, APSRTC, Khammam Region, Khammam, Khammam District.
2.The Deputy Chief Traffic Manager, APSRTC, Khammam, Khammam District.
3.The Depot Manager, APSRTC, Bhadrachalam Depot, Bhadrachalam, Khammam District.

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